

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF MISSISSIPPI

In Re:

Rhett B. Nelson,

Chapter 13

Case No. 19-10956-JDW

Debtor(s).

**Notice of Filing Amended Chapter 13 Plan  
and Motions for Valuation and Lien Avoidance**

The above-named Debtor(s) has filed an Amended *Chapter 13 Plan and Motions for Valuation and Lien Avoidance* (the "Plan") with the Bankruptcy Court in the above-referenced case (see attachment).

Any objection to confirmation of the Plan or the motions contained therein shall be filed in writing with the Clerk of Court at 703 Hwy. 145 North, Aberdeen, MS 39730 on or before thirty (30) days from the date of this notice or the objection deadline announced in Part 9 of the Notice of Chapter 13 Bankruptcy Case (Official Form 309I), whichever is later. Copies of the objection must be served on the Trustee, US Trustee, Debtor(s), and Attorney for Debtor(s).

Objections to confirmation will be heard on a date, time, and location set by the Court. If no objection is timely filed, the Plan may be confirmed without a hearing.

/s/ Jimmy E. McElroy MSB #2540

Dated: April 4, 2019

Jimmy E. McElroy

Attorney for Debtor(s)

3780 S. Mendenhall

Memphis, Tennessee 38115

(901) 363-7283

Fax (901) 794-4335

mcelroylawms@hotmail.com

CERTIFICATE OF SERVICE

The undersigned certifies that he/she, on April 4, 2019, electronically notified, mailed, postage prepaid, or hand delivered, a true and correct copies of the Amended Chapter 13 Plan and the Notice of Modification Prior to Confirmation to all interested parties.

/s/ Jimmy E. McElroy

Attorney for Debtor(s)

NAMES AND ADDRESSES OF ENTITIES SERVED:

Rhett Nelson, 306 Canal Ave., Cleveland, MS 38732

Locke Barkley, Chapter 13 Trustee - sbeasley@barkley13.com

US Trustee - USTPRegion05.AB.ECF@usdoj.gov

All Entities Listed on the Matrix (see attached)

Label Matrix for local noticing  
0537-1  
Case 19-10956-SDM  
Northern District of Mississippi  
Aberdeen  
Thu Apr 4 15:31:07 CDT 2019

Capital One  
11013 W. Broad Street  
Glen Allen, VA 23060-6017

(p) INTERNAL REVENUE SERVICE  
CENTRALIZED INSOLVENCY OPERATIONS  
PO BOX 7346  
PHILADELPHIA PA 19101-7346

North  
Aber  
Leigh A. Nelson  
1419 Deering St.  
Cleveland, MS 38732-3029

Glen

J. Gary Massey  
Shapiro & Brown, LLC  
1080 River Oaks Drive  
Suite B-202  
Flowood, MS 39232-7603

Midland Mortgage  
P.O. Box 268806  
Oklahoma City, OK 73126-8806

Cle

Glen

Navient Solutions, LLC on behalf of  
Educational Credit Management Corporatio  
PO BOX 16408  
St. Paul, MN 55116-0408

Net Credit  
175 W. Jackson  
Chicago, IL 60604-2615

OK

Scott Nelson  
421 Norman Cr.  
Cleveland, MS 38732-9722

PO

U. S. Trustee  
501 East Court Street, Suite 6-430  
Jackson, MS 39201-5022

South

American Car Center  
6400 Winchester  
Memphis, TN 38115-8117

Capital One Bank (USA), N.A.  
by American InfoSource as agent  
PO Box 71083  
Charlotte, NC 28272-1083

Internal Revenue Service  
Centralized Insolvency Operation  
P.O. Box 7346  
Philadelphia, PA 19101-7346

Robert H. Lomenick Jr.  
P.O. Box 417  
Holly Springs, MS 38635-0417

Jimmy E. McElroy  
3780 S. Mendenhall  
Memphis, TN 38115-0886

Mississippi Department of Revenue  
Bankruptcy Section  
Post Office Box 22808  
Jackson MS 39225-2808

Leigh Ann Nelson  
1419 Deering Stree  
Cleveland, Ms 38732-3029

One Main  
P.O. Box 1010  
Evansville, IN 47706-1010

Tower Loan  
P.O. Box 2058  
Pascagoula, MS 39569-2058

U.S. Attorney's Office/IRS  
900 Jefferson Ave  
Oxford, MS 38655-3608

Locke D. Barkley  
6360 I-55 North  
Suite 140  
Jackson, MS 39211-2038

First Premier  
3820 N. Louise  
Colman, SD 57017

Bradley P. Jones  
Shapiro & Brown, LLC  
1080 River Oaks Drive  
Suite B-202  
Flowood, MS 39232-7603

MIDFIRST BANK  
SHAPIRO & BROWN, LLC  
1080 River Oaks Drive, Suite B-202  
Flowood, MS 39232-7603

MidFirst Bank  
%Bradley P Jones  
1080 river Oaks Drive, Suite B-202  
Flowood, MS 39232-7603

Navient  
P.O. Box 9500  
Wilkes Barre, PA 18773-9500

5-202

Rhett B. Nelson  
306 Canal Avenue  
Cleveland, MS 38732-3001

5-202

OneMain  
PO Box 3251  
Evansville, IN 47731-3251

5-202

U. S. Department of Education  
In care of U. S. Attorney  
900 Jefferson Avenue  
Oxford MS 38655-3608

5-202

U.S. Department of Housing and Urban Develop  
451 7th Street S.W.  
Washington, DC 20410-0002

5-202

5-202

WWC Finance  
451 W. Madison  
Houston, MS 38851-2111

WWC Finance, Inc.  
c/o Robert H. Lomenick  
P.O. Box 417  
Holly Springs, MS 38635-0417

WWC Finance, Inc.  
C/O Robert Lomenick  
P.O. Box 417  
Holly Springs, MS 38635-0417

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Internal Revenue Service  
Attn: Special Processing Staff  
100 West Capitol Street  
Room 504  
Jackson MS 39269

End of Label Matrix  
Mailable recipients 32  
Bypassed recipients 0  
Total 32

19-10956-SDM Rhett B. Nelson

**U.S. Bankruptcy Court**  
**Northern District of Mississippi**

**Notice of Electronic Filing**

The following transaction was received from Jimmy E. McElroy entered on 4/4/2019 at 3:31 PM CDT and filed on 4/4/2019

**Case Name:** Rhett B. Nelson

**Case Number:** 19-10956-SDM

**Document Number:** 18 N

**Docket Text:**

Amended Chapter 13 Plan Filed by Jimmy E. McElroy on behalf of Rhett B. Nelson (McElroy, Jimmy)

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**PLAN-Amended.PDF

**Electronic document Stamp:**

[STAMP bkecfStamp\_ID=1009998712 [Date=4/4/2019] [FileNumber=13773306-0]  
][2daba0425dada4a0ee42c9efe6dd369d17247e8f644cf8df82f45d1e279b0f2a75c  
2d967b434437269d8bba29ff9209c5c0ac36bf26d330ee70ab79859260f6a]]

**19-10956-SDM Notice will be electronically mailed to:**

Locke D. Barkley  
sbeasley@barkley13.coms)

Bradley P. Jones on behalf of Creditor MIDFIRST BANK  
msbankruptcy@logs.com

Robert H. Lomenick, Jr. on behalf of Creditor WWC Finance, Inc.  
rlomenick@gmail.com, r47860@notify.bestcase.com;jhhurdle13@gmail.com

J. Gary Massey on behalf of Creditor MIDFIRST BANK  
msbankruptcy@logs.com

Jimmy E. McElroy on behalf of Debtor Rhett B. Nelson  
mcelroylawms@hotmail.com

U. S. Trustee  
USTPRegion05.AB.ECF@usdoj.gov

**19-10956-SDM Notice will not be electronically mailed to:**

Leigh Ann Nelson  
1419 Deering Stree  
Cleveland, Ms 38732



Fill in this information to identify your case:

Debtor 1 Rhett B. Nelson  
Full Name (First, Middle, Last)

Debtor 2  
(Spouse, if filing) Full Name (First, Middle, Last)

United States Bankruptcy Court for the NORTHERN DISTRICT OF MISSISSIPPI

Case number: 19-10956-JDW  
(If known)

☒ Check if this is an amended plan, and list below the sections of the plan that have been changed.

3.5**Chapter 13 Plan and Motions for Valuation and Lien Avoidance**

12/17

**Part 1: Notices**

**To Debtors:** This form sets out options that may be appropriate in some cases, but the presence of an option on the form does not indicate that the option is appropriate in your circumstances or that it is permissible in your judicial district. Plans that do not comply with local rules and judicial rulings may not be confirmable. The treatment of ALL secured and priority debts must be provided for in this plan.

In the following notice to creditors, you must check each box that applies

**To Creditors:** Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated.

You should read this plan carefully and discuss it with your attorney if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you oppose the plan's treatment of your claim or any provision of this plan, you or your attorney must file an objection to confirmation on or before the objection deadline announced in Part 9 of the Notice of Chapter 13 Bankruptcy Case (Official Form 309I). The Bankruptcy Court may confirm this plan without further notice if no objection to confirmation is filed. See Bankruptcy Rule 3015.

The plan does not allow claims. Creditors must file a proof of claim to be paid under any plan that may be confirmed.

The following matters may be of particular importance. Debtors must check one box on each line to state whether or not the plan includes each of the following items. If an item is checked as "Not Included" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

1.1	A limit on the amount of a secured claim, set out in Section 3.2, which may result in a partial payment or no payment at all to the secured creditor	<input checked="" type="checkbox"/> Included	<input type="checkbox"/> Not Included
1.2	Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest, set out in Section 3.4	<input checked="" type="checkbox"/> Included	<input type="checkbox"/> Not Included
1.3	Nonstandard provisions, set out in Part 8.	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included

**Part 2: Plan Payments and Length of Plan****2.1 Length of Plan.**

The plan period shall be for a period of 60 months, not to be less than 36 months or less than 60 months for above median income debtor(s). If fewer than 60 months of payments are specified, additional monthly payments will be made to the extent necessary to make the payments to creditors specified in this plan.

**2.2 Debtor(s) will make payments to the trustee as follows:**

Debtor shall pay \$730.00 (☒ monthly, ☐ semi-monthly, ☐ weekly, or ☐ bi-weekly) to the chapter 13 trustee. Unless otherwise ordered by the court, an Order directing payment shall be issued to the debtor's employer at the following address:

Coahoma Community College  
3240 Friars Point Road  
Clarksdale MS 38614-0000

Debtor Rhett B. Nelson Case number \_\_\_\_\_

Joint Debtor shall pay \_\_\_\_\_ ( ☐ monthly, ☐ semi-monthly, ☐ weekly, or ☐ bi-weekly ) to the chapter 13 trustee. Unless otherwise ordered by the court, an Order directing payment shall be issued to the joint debtor's employer at the following address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**2.3 Income tax returns/refunds.**

*Check all that apply*

- ☐ Debtor(s) will retain any exempt income tax refunds received during the plan term.
- ☐ Debtor(s) will supply the trustee with a copy of each income tax return filed during the plan term within 14 days of filing the return and will turn over to the trustee all non-exempt income tax refunds received during the plan term.
- ☐ Debtor(s) will treat income refunds as follows:

**2.4 Additional payments.**

*Check one.*

- ☒ None. If "None" is checked, the rest of § 2.4 need not be completed or reproduced.

**Part 3: Treatment of Secured Claims**

**3.1 Mortgages. (Except mortgages to be crammed down under 11 U.S.C. § 1322(c)(2) and identified in § 3.2 herein.).**

*Check all that apply.*

- ☒ None. If "None" is checked, the rest of § 3.1 need not be completed or reproduced.  
*Insert additional claims as needed.*

**3.2 Motion for valuation of security, payment of fully secured claims, and modification of undersecured claims. Check one.**

- ☐ None. If "None" is checked, the rest of § 3.2 need not be completed or reproduced.  
*The remainder of this paragraph will be effective only if the applicable box in Part 1 of this plan is checked.*
- ☒ Pursuant to Bankruptcy Rule 3012, for purposes of 11 U.S.C. § 506(a) and § 1325(a)(5) and for purposes of determination of the amounts to be distributed to holders of secured claims, debtor(s) hereby move(s) the court to value the collateral described below at the lesser of any value set forth below or any value set forth in the proof of claim. Any objection to valuation shall be filed on or before the objection deadline announced in Part 9 of the Notice of Chapter 13 Bankruptcy Case (Official Form 309I).

The portion of any allowed claim that exceeds the amount of the secured claim will be treated as an unsecured claim under Part 5 of this plan. If the amount of a creditor's secured claim is listed below as having no value, the creditor's allowed claim will be treated in its entirety as an unsecured claim under Part 5 of this plan. Unless otherwise ordered by the court, the amount of the creditor's total claim listed on the proof of claim controls over any contrary amounts listed in this paragraph.

Name of creditor	Estimated amount of creditor's total claim #	Collateral	Value of collateral	Amount of secured claim	Interest rate*
WWC Finance	\$13,500.00	2010 Chevy Camaro 101,000 miles ex-wife drives	\$6,300.00	\$6,300.00	6.75%

*Insert additional claims as needed.*

#For mobile homes and real estate identified in § 3.2: Special Claim for taxes/insurance:

Name of creditor	Collateral	Amount per month	Beginning month
-NONE-			

\* Unless otherwise ordered by the court, the interest rate shall be the current Till rate in this District

Debtor Rhett B. Nelson Case number \_\_\_\_\_

For vehicles identified in § 3.2: The current mileage is \_\_\_\_\_

**3.3 Secured claims excluded from 11 U.S.C. § 506.**

Check one.

☒ None. If "None" is checked, the rest of § 3.3 need not be completed or reproduced.

**3.4 Motion to avoid lien pursuant to 11 U.S.C. § 522.**

Check one.

☐ None. If "None" is checked, the rest of § 3.4 need not be completed or reproduced. The remainder of this paragraph will be effective only if the applicable box in Part 1 of this plan is checked.

☒ The judicial liens or nonpossessory, nonpurchase money security interests securing the claims listed below impair exemptions to which the debtor(s) would have been entitled under 11 U.S.C. § 522(b). Unless otherwise ordered by the court, a judicial lien or security interest securing a claim listed below will be avoided to the extent that it impairs such exemptions upon entry of the order confirming the plan unless the creditor files an objection on or before the objection deadline announced in Part 9 of the Notice of Chapter 13 Bankruptcy Case (Official Form 309I). Debtor(s) hereby move(s) the court to find the amount of the judicial lien or security interest that is avoided will be treated as an unsecured claim in Part 5 to the extent allowed. The amount, if any, of the judicial lien or security interest that is not avoided will be paid in full as a secured claim under the plan. See 11 U.S.C. § 522(f) and Bankruptcy Rule 4003(d). If more than one lien is to be avoided, provide the information separately for each lien.

Name of creditor	Property subject to lien	Lien amount to be avoided	Secured amount remaining	Type of lien	Lien identification (county, court, judgment date, date of lien recording, county, court, book and page number)
Tower Loan	Springfield 40 caliber \$175, 20 gauge shotgun \$50, 46" TV \$40, 50" TV \$100, 42" TV \$30, laptop \$25 - Debtor no longer has any of the remaining property on the UCC	\$420.00	\$0.00	Agreement	UCC

Insert additional claims as needed.

**3.5 Surrender of collateral.**

Check one.

☐ None. If "None" is checked, the rest of § 3.5 need not be completed or reproduced.

☒ The debtor(s) elect to surrender to each creditor listed below the collateral that secures the creditor's claim. The debtor(s) request that upon confirmation of this plan the stay under 11 U.S.C. § 362(a) be terminated as to the collateral only and that the stay under § 1301 be terminated in all respects. Any allowed unsecured claim resulting from the disposition of the collateral will be treated in Part 5 below.

Name of Creditor	Collateral
USDA	1419 Derring Street, Cleveland, MS 38732

**Part 4: Treatment of Fees and Priority Claims**

**4.1 General**

Trustee's fees and all allowed priority claims, including domestic support obligations other than those treated in § 4.5, will be paid in full without postpetition interest.

Debtor Rhett B. Nelson Case number \_\_\_\_\_

**4.2 Trustee's fees**  
Trustee's fees are governed by statute and may change during the course of the case.

**4.3 Attorney's fees.**

☒ No look fee: \$3,600.00

Total attorney fee charged: \$3,600.00

Attorney fee previously paid: \$39.00

Attorney fee to be paid in plan per confirmation order: \$3,561.00

☐ Hourly fee: \$\_\_\_\_\_ (Subject to approval of Fee Application.)

**4.4 Priority claims other than attorney's fees and those treated in § 4.5.**

Check one.

☐ None. If "None" is checked, the rest of § 4.4 need not be completed or reproduced.

☒ Internal Revenue Service \$10,000.00

☐ Mississippi Dept. of Revenue \$0.00

☐ Other \_\_\_\_\_ \$0.00

**4.5 Domestic support obligations.**

☐ None. If "None" is checked, the rest of § 4.5 need not be completed or reproduced.

DUE TO: Leigh A. Nelson

POST PETITION OBLIGATION: In the amount of \$ 1027.18 per month beginning March 2019

To be paid ☒ direct, ☐ through payroll deduction, or ☐ through the plan.

PRE-PETITION ARREARAGE: In the amount of \$ 0.00 through February 2019

which shall be paid in full over the plan term, unless stated otherwise:

To be paid ☐ direct, ☐ through payroll deduction, or ☐ through the plan.

Insert additional claims as needed.

**Part 5: Treatment of Nonpriority Unsecured Claims**

**5.1 Nonpriority unsecured claims not separately classified.**

Allowed nonpriority unsecured claims that are not separately classified will be paid, pro rata. If more than one option is checked, the option providing the largest payment will be effective. Check all that apply.

- ☐ The sum of \$ \_\_\_\_\_
- ☐ \_\_\_\_\_% of the total amount of these claims, an estimated payment of \$ \_\_\_\_\_
- ☒ The funds remaining after disbursements have been made to all other creditors provided for in this plan.

If the estate of the debtor(s) were liquidated under chapter 7, nonpriority unsecured claims would be paid approximately \$00.00. Regardless of the options checked above, payments on allowed nonpriority unsecured claims will be made in at least this amount.

**5.2 Other separately classified nonpriority unsecured claims (special claimants). Check one.**

☒ None. If "None" is checked, the rest of § 5.3 need not be completed or reproduced.

**Part 6: Executory Contracts and Unexpired Leases**

Debtor Rhett B. Nelson Case number \_\_\_\_\_

6.1 The executory contracts and unexpired leases listed below are assumed and will be treated as specified. All other executory contracts and unexpired leases are rejected. Check one.

☐ None. If "None" is checked, the rest of § 6.1 need not be completed or reproduced.  
☒ Assumed items.

Current installment payments will be disbursed either by the trustee or directly by the debtor(s), as specified below, subject to any contrary court order or rule. Arrearage payments will be disbursed by the trustee. The final column includes only payments disbursed by the trustee rather than by the debtor(s).

Name of creditor	Description of leased property or executory contract	Current installment payment	Amount of arrearage to be paid	Treatment of arrearage
American Car Center	2014 Ford Fusion	\$500.00	\$0.00	
Disbursed by: <input type="checkbox"/> Trustee <input checked="" type="checkbox"/> Debtor(s)				

Insert additional contracts or leases as needed.

**Part 7: Vesting of Property of the Estate**

7.1 Property of the estate will vest in the debtor(s) upon entry of discharge.

**Part 8: Nonstandard Plan Provisions**

8.1 Check "None" or List Nonstandard Plan Provisions

☒ None. If "None" is checked, the rest of Part 8 need not be completed or reproduced.

**Part 9: Signatures:**

9.1 Signatures of Debtor(s) and Debtor(s)' Attorney

The Debtor(s) and attorney for the Debtor(s), if any, must sign below. If the Debtor(s) do not have an attorney, the Debtor(s) must provide their complete address and telephone number.

X /s/ Rhett B. Nelson  
Rhett B. Nelson  
Signature of Debtor 1

X \_\_\_\_\_  
Signature of Debtor 2

Executed on April 4, 2019

Executed on \_\_\_\_\_

306 Canal Avenue  
Address  
Cleveland MS 38732-0000  
City, State, and Zip Code

\_\_\_\_\_  
Address  
\_\_\_\_\_  
City, State, and Zip Code

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Telephone Number

X /s/ Jimmy E. McElroy  
Jimmy E. McElroy #2540  
Signature of Attorney for Debtor(s)  
3780 S. Mendenhall  
Memphis, TN 38115  
Address, City, State, and Zip Code  
901-363-7283  
Telephone Number  
mcelroylawms@hotmail.com  
Email Address

Date April 4, 2019

#2540 MS  
MS Bar Number